

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#19
Supp IDS



Inventors: James M. Holden et al.
Assignee: Nanometrics Incorporated
Title: Apparatus and Method for the Measurement of Diffracting Structures
Serial No.: 09/670,000 Filing Date: September 25, 2000
Examiner: Chih-Cheng Glen Kao Group Art Unit: 2882
Docket No.: NAN022 US Confirmation No: 3656

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Santa Clara, California
July 9, 2003

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97(c)**

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, §1.97 and §1.98, the Applicants submit for consideration in the above-identified patent application the documents listed on the accompanying Form PTO-1449. A copy of the documents is also submitted herewith. The Examiner is requested to make this document of record.

This Information Disclosure Statement is submitted pursuant to 37 CFR §1.97(c) as it is after receipt of a first Office Action on the merits but before mailing of a final Action or Notice of Allowance. Accordingly, a fee is required pursuant to 37 CFR §1.17(p). A Fee Transmittal form (PTO/SB/17) is attached to this submission.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

In addition, Applicants submit for the Examiner's consideration the following list of co-pending and co-owned applications, cited by serial number, first named inventor and filing date. The Applicants presume that the Examiner has access to and will review the co-pending applications and the files thereof for any office actions, amendments or other materials that may be relevant to the patentability of the claims of the present application. For any such U.S. patent application(s) that are currently pending, the Applicants further presume

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180.00 DP

-1-

Application No. 09/670,000

that the Examiner will consider any future office actions, amendments or other materials in the file thereof that may be relevant to the patentability of the claims herein. **If the Applicants' understanding in this regard is not correct, please notify the undersigned so that copies of any such documents can be submitted to the Examiner with the necessary precautions so that the file may be expunged of any proprietary information that is considered unimportant to a reasonable examiner.**

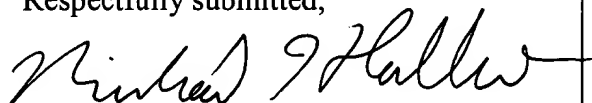
All of the co-pending applications in the following list are unpublished. Applicants do not believe that it is proper for any of the listed applications to appear on the face of a patent that may issue from the present application, and accordingly, Applicants have not listed these applications on a PTO-Form 1449.

| | Serial No.: | First Named Inventor | Date: |
|----|---|-----------------------------|---------------|
| 1. | 10/116,863 | Weidong Yang | Apr. 4, 2002 |
| 2. | 10/116,798 | Weidong Yang | Apr. 4, 2002 |
| 3. | 90/006,185 Reexamination of 5,963,329 | Edward W. Conrad | Jan. 10, 2002 |
| 4. | 10/261,547 | Weidong Yang | Sep. 30, 2002 |
| 5. | 10/085,832 | James M. Holden | Feb. 27, 2002 |
| 6. | 09/844,559 | William A. McGahan | Apr. 27, 2001 |
| 7. | 09/960,892 | Roger R. Lowe-Webb | Sep. 20, 2001 |
| 8. | 09/898,641 | Pablo I. Rovira | Jul. 3, 2001 |

The information contained in this Information Disclosure Statement under 37 C.F.R. §1.555 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

**Via Express Mail Label No.
ER 308 113 633 US**

Respectfully submitted,



Michael J. Halbert
Attorney for Applicants
Reg. No. 40,633

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7-11-03

#19 2882

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box ☐

Approved for use through 10/31/02. OMB 0651-0031
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TRANSMITTAL FORM

| | |
|----------------------|---------------------|
| Application Number | 09/670,000 |
| Filing Date | September 25, 2000 |
| First Named Inventor | James M. Holden |
| Group Art Unit | 2882 |
| Examiner Name | Chih-Cheng Glen Kao |
| Attorney Docket No. | NAN022 US |

Total Number Of Pages In This Submission 6 pages + 2 Refs.

ENCLOSURES (check all that apply)

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation of Previous Powers; And Statement Under 37 CFR 3.73(b) | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <ul style="list-style-type: none"> * Return Receipt Postcard * Form PTO-1449 (1 page) |
| <input checked="" type="checkbox"/> Information Disclosure Statement (2 pages) | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

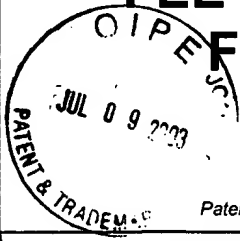
| | |
|-------------------------|---|
| Firm or Individual Name | Michael J. Halbert (Reg. No. 40,633) Silicon Valley Patent Group LLP 2350 Mission College Boulevard, Suite 360 Santa Clara, California 95054 |
| Signature | <i>Michael J Halbert</i> |
| Date | 7-8-03 |

Express Mail Label No.: ER 308 113 633 US

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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FEE TRANSMITTAL FOR FY 2003



Patent fees are subject to annual revision.

Complete if Known

| | |
|----------------------|---------------------|
| Application Number | 09/670,000 |
| Filing Date | September 25, 2000 |
| First Named Inventor | James M. Holden |
| Group Art Unit | 2882 |
| Examiner Name | Chih-Cheng Glen Kao |
| Attorney Docket No | NAN022 US |

TOTAL AMOUNT OF PAYMENT

(\$)**180.00**

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **50-2263**

Deposit Account Name **Silicon Valley Patent Group LLP**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 1001 | 750 | 2001 | 375 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) **(\$)**0.00****

2. EXTRA CLAIM FEES

| Total Claims | - 20** = | Extra Claims | Fee from below | Fee Paid |
|--------------------|----------|--------------|----------------|----------|
| Independent Claims | - 3** = | 0 | x 9 | = \$0 |
| Multiple Dependent | | 0 | 140 | = \$0 |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------|-----------------|----------------|-----------------|---|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 |
| 1203 | 280 | 2203 | 140 | Multiple dependent claims, if not paid |
| 1204 | 84 | 2204 | 42 | **Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) **(\$)**0.00****

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee for provisional applications | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Statement | 180 |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per properties (times number of properties) | |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(\$)**180.00****

SUBMITTED BY

| | | | | | |
|-------------------|--------------------|-----------------------------------|--------|-----------|-----------------------|
| Name (Print/Type) | Michael J. Halbert | Registration No. (Attorney/Agent) | 40,633 | Telephone | (408) 982-8200 ext. 2 |
| Signature | | | | Date | July 9, 2003 |